

REMARKS

In the Office Action dated June 22, 2007, the Examiner: (1) rejected claims 43 – 60, 79 and 84 –85 under 35 U.S.C. § 112; and (2) allowed claims 1, 38-42, 61-78 and 80 –83. Applicants respond as follows:

Amendments and New Claims

Applicants have amended claims 1 and 43 in the preamble to recite that the method is for obtaining an siRNA molecule rather than selecting an siRNA molecule. Applicants have also amended step (e) in each claim to be consistent with this amendment. Support for this amendment may be found in the claims themselves, which recite steps for selecting and synthesizing the molecule. By first selecting and then synthesizing the molecule, one will obtain it.

Applicants have amended claims 43 and 68 in their respective step (d)s to include the phrase “set of” before the phrase “one or more criteria.” Support for these amendments may be found in step (c) of each claim.

Applicants have canceled claim 55 and rewritten it in independent form as new claim 86. Applicants have canceled claim 56 and rewritten it as dependent claim 87, which depends on new claim 86. Within each of these new claims, Applicants have omitted the phrase “and the internal repeat that is not stable at a temperature of greater than 50°C.” Applicants have also deleted this phrase from claims 52, 57 and 60 and made those claims internally consistent.

Applicants have made additional minor amendments, including: (i) in claims 43 and 61, removing an occurrence of the word “and” at the ends of each claim’s step (c); (ii) in claim 79 changing the word “region” to “sequence” to provide for proper antecedent basis; (iii) in claim 80 changing the word “sequence” to “region” to provide for proper antecedent basis; and (iv) throughout the claim set changing “a siRNA” to “an siRNA.”

Response to Rejections Under 35 U.S.C. § 112

The Examiner rejected claims 43 –60, 79 and 84 –85 under 35 U.S.C. § 112 as being indefinite. Applicants express no opinion as to whether the previously pending claims comply with section 112 but submit that in view of the amendments above, the claims are now in condition for allowance.

First, the Examiner rejected claim 43 because the preamble recited a method for selecting an siRNA molecule, while step (e) introduced a step of synthesis. Applicants have amended the preamble to recite that the method is for obtaining an siRNA. The term obtaining encompassing the steps of selecting the sequence and synthesizing the molecule that contains the sequence. Step (e) has been amended to recite that the siRNA molecule is obtained. For consistency, Applicants have made a similar amendment to claim 1.

The Examiner also notes that step (b) of claim 43 recites that a set of one or more criteria are applied, but in step (d) the method recites that the sequence is selected if a candidate satisfies one or more criteria. Applicants have amended step (d) to reflect that the sequence is selected if the set of one or more criteria is satisfied. Thus, by this amendment, the claim is directed to methods when one the recited criteria is applied and satisfied, or a plurality of criteria are applied and satisfied. By defining the set as containing one or more criteria, within the scope of the claim are methods in which only one criterion is applied and satisfied. For consistency, Applicants have made a similar amendment to claim 68.

The Examiner rejected claims 55-56 as lacking antecedent basis in claim 43. Applicants have cancelled these claims, thereby rendering the rejection moot. As noted above, Applicants have rewritten the claims as independent claim 86 and dependent claim 87.

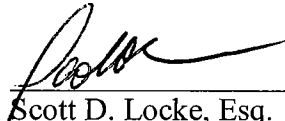
The Examiner rejected claims 55-57 and 60 as being indefinite and failing to comply with the written description requirement with respect to the limitation “an internal repeat that is not stable at a temperature or greater then 50°C.” Applicants respectfully disagree with the Examiner’s position, but in the interest of furthering prosecution, have removed this phrase from all claims.

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In view of the Amendments and Arguments above, Applicants respectfully submit that the above referenced claims are now in condition for allowance.

Applicants authorize the Patent Office to charge the Deposit Account No. 11-0171 for the additional independent claim more than three. Applicants also authorize the Patent Office to charge the afore-referenced deposit account for any additional fees that are deemed necessary.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott D. Locke', is written over a horizontal line.

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